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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
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09/757,327	01/09/2001	Achim Vowe	GR 98 P 2054 US	5500	
24131 75	90 05/04/2005		EXAMINER		
LERNER AND GREENBERG, PA P O BOX 2480			CASIANO, ANGEL L		
HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER	
			2182		
			DATE MAILED: 05/04/200	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/757,327	VOWE, ACHIM	
Examiner	Art Unit	

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•	Angel L. Casiano	2182					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED 13 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
 The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 3 months from the mailing date of the final rejection. 							
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO							
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).						
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL							
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).							
AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below);							
(c) They are not deemed to place the application in be appeal; and/or	tter form for appeal by materially re		the issues for				
(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a))		ejected ciaims.					
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).							
 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 							
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed: <u>11-17</u> . Claim(s) objected to: <u>5-8</u> .							
Claim(s) rejected: <u>1-4,9 and 10</u> . Claim(s) withdrawn from consideration:							
AFFIDAVIT OR OTHER EVIDENCE							
 The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good at and was not earlier presented. See 37 CFR 1.116(e). 	nd sufficient reasons why the affida	vit or other evidence	is necessary				
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessated. 10. The affidavit or other evidence is necessated. An evidence is necessated.	overcome <u>all</u> rejections under appe ry and was not earlier presented. S	eal and/or appellant fa See 37 CFR 41.33(d)	ails to provide a (1).				
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER							
11. The request for reconsideration has been considered b See Continuation Sheet.		, ,	ance because:				
12. Note the attached Information Disclosure Statement(s) 13. Other:	. (PTO/SB/08 or PTO-1449) Paper	Mp(s) / / / / /	M				
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Continuation of 11. does NOT place the application in condition for allowance because: Regarding claim 1, Thomson teaches a CAN module (see Figure 4), including storage elements (see "41" and "38"). In addition, this CAN module teaches identification of three different states in which the CAN interface is operating: error active state, error passive state, and busoff state (see col. 12, claim 1) With respect to Applicant's arguments on Page 4 of 9, the claim limitation disclosing different states of the CAN module was addressed in previous Office action. However, Examiner maintains his position, stating that the language used by Applicant in support of the limitations in claim 1 ("these states used to attach to multiple CAN buses" and "different states necessary to operate with multiple CAN nodes) is not claimed and was not incorporated in Examiner's interpretation of the claim. In fact, Applicant's response does not address the second limitation argued but not claimed, "different states necessary to operate with multiple CAN nodes". Accordingly, Examiner maintains the rejections presented in previous Final Office action.